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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/744,587 | 03/20/2001 | Massimo Aleardi | 713-426 | 1610 |

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EXAMINER

COCKS, JOSIAH C

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/16/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,587

Applicant(s)

ALEARDI ET AL.

Examiner

Josiah C. Cocks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 6-10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 11-13 and 17-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/03 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8-97058 (hereinafter "the '058 Patent").

The '058 Patent discloses in Figures 1-6 an electronic gas lighting device substantially as described in applicant's claims 15 and 16 including a casing (10) made of an insulating molded plastic material (see paragraph 0018 of the computer translation supplied by applicant in response filed 6/30/03, hereinafter "the translation"), an electronic high-voltage-pulse generating circuit (24) comprising a transformer (T) and multiple windings (see Fig. 1), power supply blade contacts (Pa), attaching elements (each prong of item 16) that project from an outer surface for removably attaching to a support surface (see paragraph 0019 of the translation), the casing comprises first and second compartments (10 and 20), and is a box/cup like structure (see Fig. 1). The '058 patent further shows that the prongs of the attaching element (16) each extend in the same direction.

In regard to the limitation of claim 15 that the first and second compartments are integrally made of the insulating material, neither applicant's claims nor specification define that "integrally made" requires the compartments to be a single piece or structure. The examiner considers that each of the compartments (10 and 20) are integrally made of the insulating material and when combined form the entirety of the case. Therefore the limitation in claim 15 that the entirety of the casing is "integrally made" of the insulating material is considered met.

Further, even if one were to consider that this limitation is read to require that the compartments are integrally connected, the examiner notes that the compartments (10 and 20) are intended to be securely fastened to one another by means of the slide fitting of slots (22b) and

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ribs (13b) (see paragraph 0023 of the translation). In In re Hotte, 177 USPQ 326, 328 (CCPA 1973), the court found that absent support in the specification defining “integral” to mean “one piece” the term “integral” is sufficiently broad to embrace constructions united by such means as fastening (See In re Hotte, 177 USPQ 326, 328 (CCPA 1973)). Further, in In re Larson, the court noted that a brake disc and clamp were rigidly secured together as a single unit and were considered integral in view of the definition of integral from Webster’s New International Dictionary (Second Edition); “(2) Composed of constituent parts making a whole; composite; integrated.” (See In re Larson, 144 USPQ 347 (CCPA 1965)). Therefore, as there is no requirement in applicant’s specification that “integrally made” necessarily be “one-piece”, the examiner considers that the connection of the compartments (10 and 20) to be “integrally made” of the insulating material as appears in applicant’s claim.

5. Claims 6-8, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8-97508 (hereinafter “the ‘058 Patent”) in view of *Le Monnier De Gouville* (hereinafter “*Gouville*”) (previously cited in PTO-892 form of Office Action mailed 3/28/03).

The ‘058 Patent discloses in Figures 1-6 an electronic gas lighting device similar to that described in applicant’s claims 6-8, 10, and 14 including a casing (10) made of an insulating molded plastic material (see paragraph 0018 of the computer translation supplied by applicant in response filed 6/30/03, hereinafter “the translation”), an electronic high-voltage-pulse generating circuit (24) comprising a transformer (T) and multiple windings (see Fig. 1), power supply blade contacts (Pa), attaching portion (16) including two elements (each prong of 16, see Fig. 1) that project from an outer surface for removably attaching to a support surface (see paragraph 0019

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of the translation) and are integrally formed with casing (10) (see Fig. 1), and the casing comprises first and second compartments (10 and 20) and is a box/like cup like structure (see Fig. 1). The examiner considers the attachment element (16) includes two prongs that constitute the teeth recited by applicant.

In regard to the limitation of claim 8 that the first and second compartments are “integrally made” of the insulating material, the examiners considers that this limitation is met by the ‘058 patent for the same reasons as were applied to claim 15 above.

The ‘058 Patent possibly does not disclose that at least one of the teeth is elastically deformable.

Gouville teaches an electronic gas lighting device in the same field of endeavor as the ‘058 Patent wherein the device of *Gouville* includes attachment means (5) that engage by snap action (see col. 3, lines 12). The examiner considers that a person of ordinary skill in the art would reasonably regard snap action connection as including plastic pieces that are deformable to enable the snapping or locking action.

Therefore, in regard to claims 6-8, 10, and 14 it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the attachment teeth of the ‘058 to include the elastically deformable connection means of *Gouville* to enable snap action connection which is desirable for providing a quick connection (see *Gouville*, col. 3, lines 9-11).

6. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the ‘058 Patent in view of *Gouville* as applied to claim 8 above, and further in view of *Bears et al.* (US # 4,392,810).

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The '058 Patent in view of *Gouville* teach all the limitations of claim 9 except possibly for screw terminals for the blade contacts.

Bears et al. teaches an electronic ignition device in the same field of endeavor as the '058 Patent wherein the device of *Bears et al.* includes screw terminals (70) for blade contacts.

Therefore, in regard to claim 9, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of *Gouville* to include screw terminals as taught by *Bears et al.* for the desirable purpose of connecting a power supply to a the supply contacts to enable electrical communication (see *Bears et al.*, col. 3, line 66 through col. 4, line 2).

Allowable Subject Matter

7. Claims 22-24 are allowed.
8. Claims 11-13 and 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
December 11, 2003


JOSIAH COCKS
PATENT EXAMINER
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